

Notice of Allowability

Application No.

09/804,785

Examiner

Lee Fineman

Applicant(s)

EVANS ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed 6/17/05.
2. ☒ The allowed claim(s) is/are 1-12 and 32-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Brueggeman on 31 August 2005.

The application has been amended as follows:

Please amend claims 1, 39 and 42 as follows:

Claim 1 (Currently Amended): An optical-quality polarized part comprising:

an optical construct comprising a homogeneous first layer comprised of a high impact polyurethane-based optical material, wherein the first layer has a bonding surface and further has sufficient structural integrity to maintain optical power; and

a polarizer having a first side and an opposing second side, wherein the first side of the polarizer is integrally bonded to the first layer of the optical construct, across the entire bonding surface of such first layer, in prescribed place thereon;

wherein the polarized part is free of any ~~structural layer~~ having sufficient structural integrity to maintain optical power ~~that is (1) bonded to a side of~~ between the first layer of the optical construct ~~opposite- and the polarizer and (2) solidified prior to such bonding.~~

Claim 39 (Currently Amended): An optical-quality part polarized comprising:

an optical construct comprising a homogeneous first layer and a homogeneous second layer, each such layer comprising of a high impact polyurethane-based optical material, and each such layer having a bonding surface, wherein the first layer has sufficient structural integrity to maintain optical power; and

a polarizer having a first side and an opposing second side, wherein the first and second sides of the polarizer are integrally bonded to the bonding surfaces of the respective first and second layers of the optical construct, across the entire bonding surface of such first layer, in prescribed place thereon;

wherein the polarized part is free of any ~~structural layer~~ having sufficient structural integrity to maintain optical power ~~that is (1) bonded to a side of between the first layer of the optical construct opposite~~ and ~~the polarizer and (2) solidified prior to such bonding.~~

Claim 42 (Currently Amended): An optical-quality polarized part comprising:

an optical construct comprising a homogeneous first layer comprised of a high impact polyurethane-based optical material, wherein the first layer has a bonding surface and further has sufficient structural integrity to maintain optical power; and wherein the first layer is further comprised of a dye or colorant, a stabilizer, and/or a stiffener; and

a polarizer comprising a polyethylene terephthalate film and having a first side and an opposing second side, wherein the first side of the polarizer is integrally bonded to the first layer of the optical construct, across the entire bonding surface of such first layer, in prescribed place thereon;

wherein the polarized part is free of any ~~structural~~ layer having sufficient structural integrity to maintain optical power ~~that is (1) bonded to a side of~~ between the first layer of the optical construct ~~opposite~~ and the polarizer ~~and (2) solidified prior to such bonding~~.

Drawings

2. The drawings are objected to because of the following informalities: Lines, numbers and letters are not uniformly thick and well defined, clean durable, and black (poor line quality). Corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Allowable Subject Matter

3. The following is an examiner's statement of reasons for allowance: Claims 1-12 and 32-42 are allowable over the prior art for at least the reason that the prior art fails to teach and/or suggest an optical quality polarized part with a polarizer and "an optical construct comprising a homogeneous first layer comprised of a high impact polyurethane-based optical material," "wherein the first layer has sufficient structural integrity to maintain optical power" and wherein the polarized part is free of any layer having sufficient structural integrity to maintain optical power bonded between the first layer of the optical construct and the polarizer" as set forth in the claimed combination.

Blomberg et al. discloses a polyurethane lens blank (see column 10, line 38) and that "a polarizing function" may be applied to the lens blank (see column 9, lines 66-67 and column 10, lines 9-11) but is not clear how the polarizing function is imparted. From the myriad of possible

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combination suggested (i.e., no particular working embodiments), one of ordinary skill in the art would not "at once envisage" the particular combination as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Fineman whose telephone number is (571) 272-2313. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LAF
August 31, 2005


MARK A. ROBINSON
PRIMARY EXAMINER